

FILED
at Santa Fe, NM

FEB 14 2011

MATTHEW J. DYKMAN
CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, on the relation
The State Engineer,

Plaintiff,

v.

ROMAN ARAGON, et al,

Defendants.

Case No. 69cv-07941-BB

Rio Chama Stream System

Section 1 (mainstream)

Response to the State, Doc.9997 filed 2/2/2011

Comes now this pro se Defendant, plebian david ortiz, a parciante, a land owner drawing water out of the Acequia de Chamita, with water rights (Acequia or Ditch rights) rooted and grounded since its establishment date of August 11, 1598 and an elected Commissioner since 2001, to defend my rights and the Acequia, having presented evidence and exhibits especially the primary source written and notarized by the Colonizers of Nuevo Mexico from this confluence of the Rio Chama and the Rio Grande. These original Documents were translated and put into books by Hammond and Rey, "Onate the Colonizer"

The Special Master has identified 5 sub-files on the Rio Chama Stream System that were not notified and served in 1996 Notices and Orders to Show Cause and afford them an opportunity to present their objections to the State's assignment of a 1714 priority date for their Acequia. Special Master in Doc. 9983 gives sub-files 14 days to respond to the State's brief. Sub-file #267 (sub-file is only a folder) is the file in the State Engineers and the Water Masters files to identify the land owner on Map 22 tract 17 on the Acequia de Chamita

previously belonging to Alfredo Salazar Sr. This land and its Water Right in the Acequia was purchased by me, David Ortiz (see Doc.9990 filed 12/13/2010) and Deposition taken by the Plaintiff, which I submit with this response as part of the record. I was not served with an Order to Show Cause in 1996.

The State agrees as they state in their brief (Doc.9997, pg.12), "After reviewing these materials, the State agrees that the owner of the water rights associated with the map and tract numbers described above...", he lists 22.17, "...were not served with a Notice and Order to Show Cause. And I also agree.

However I disagree with the majority of the State's brief because it's absurd and it is bordering on the edge of insanity. I am not only a parciante of the Acequia de Chamita but one of its Commissioners. The only requirement for having "Ditch" rights is to be a legal land owner in good standing, drawing water from the Acequia. The most recent report from the Watermaster, Watermasters Report, Rio Chama Mainstream 2009 by Stermon M. Wells (see report in the NM State Engineers web site, www.ose.state.nm.us) shows that the application of a priority date is to the Acequias only and not to an individual sub-file (see attached report by watermaster, 2009 pg.11). The State knows that the sub-file represents an individual's Acequia rights as it applies to his/her irrigated land giving an easement for the Acequia conduit in most cases. The Acequia Community is a self governing body recognized by the State as a political sub division.

My intent and any objectors to 1714 or 1600 or any other date for this Acequia de Chamita, is that we are given the right and proper date of August 11, 1598. The Acequia de Chamita is protected by the New Mexico State Constitution (article 2, Section 5); pre Treaty of Guadalupe Hidalgo; New Mexico State Memorial #14, 48th Legislature Session 2007 (Doc.9657 filed 3/31/10, Exhibit H); New Mexico State House Memorial #15, 48th Legislature Session 2007

(Doc.9657 filed 3/31/10, Exhibit H); Rio Arriba County Resolution #2011-49 and 2011-057 (Doc. 005 filed 1/14/11); Acequia by Laws voted and passed by unanimous approval by the membership on December 1, 2003, signed by Commissioners Alex Sisneros, Richard Salazar and David Ortiz. By Laws were registered by Rio Arriba County and the State Engineers Office on or around June 28, 2004 (Doc.9657 filed 3/31/10, Exhibit I) that state the establishment date of the Acequia de Chamita, August 11, 1598.

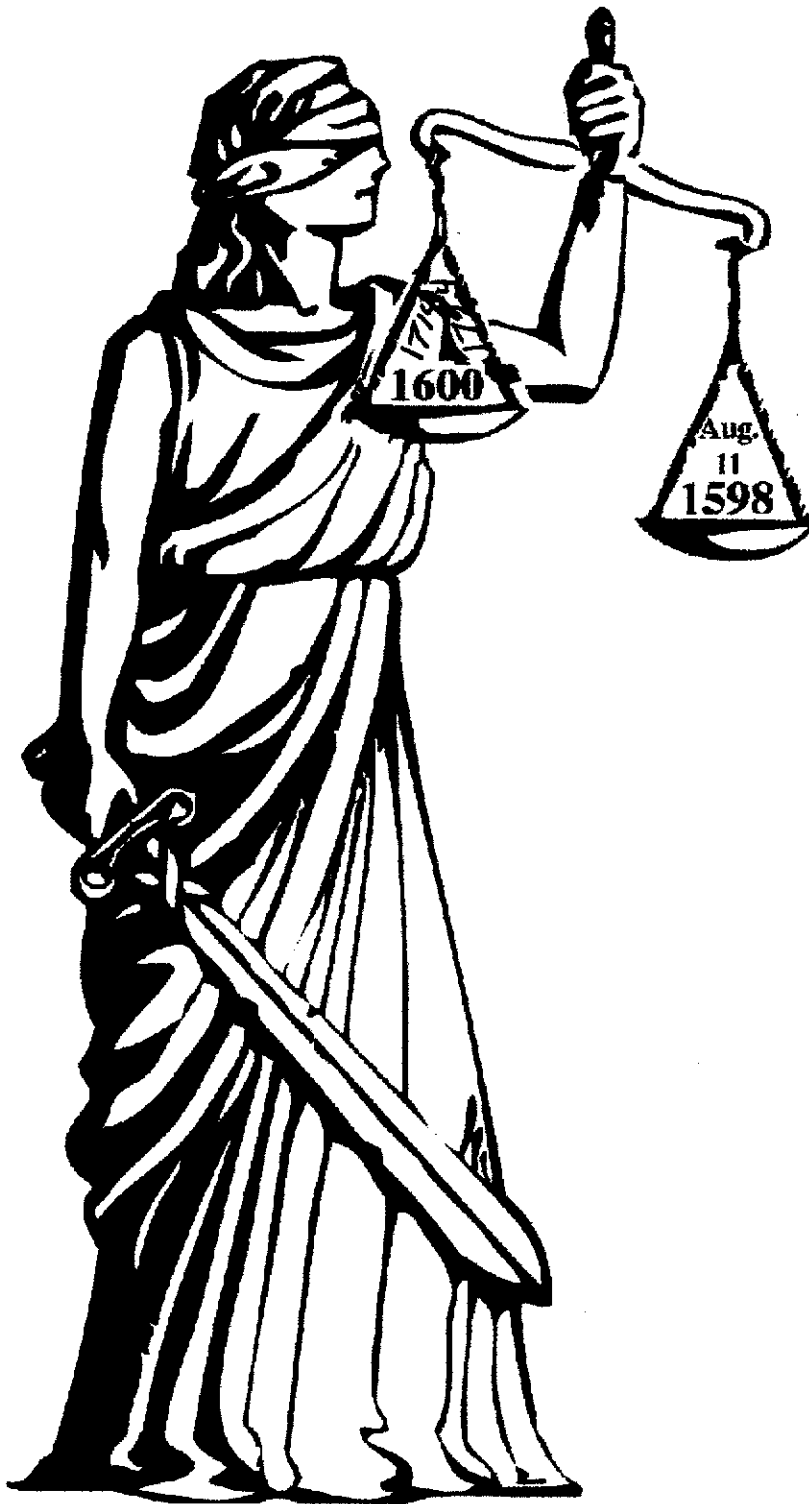
This Defendant, parciante and Commissioner David Ortiz requests a modification of Special Master Gabin recommendation of 1600 for 3 Acequias; to recognize Acequia de Chamita proper establishment date of August 11, 1598, and if you are going to assign a priority date, it should reflect the establishment date.

While the above requested modifications may seem minor in nature, this Defendant makes this request because questions regarding the historical events in this area are likely to arise in other contexts in these proceedings. For this reason, The Court's adoption of findings of fact should be as accurate as possible to avoid confusion and the need for clarification in the future.

LET THE EVIDENCE SPEAK and assign the Acequia de Chamita it's proper date of August 11, 1598.

Case: 6:69-cv-07941-BB

Respectfully Submitted by Defendant David Ortiz,



David Ortiz
(Signature of Defendant)
David Ortiz, Commissioner/Treasurer

DAVID ORTIZ
(Printed name of Defendant)

Po Box 1082
(Street address or P.O. Box)

SAN JUAN, NM 87566
(City, State and Zip Code)

Tract 17

Map 22

Subfile 267

WATERMASTER'S REPORT

RIO CHAMA MAINSTREAM

2009

**Stermon M. Wells
Rio Chama Watermaster**



STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER

John R. D'Antonio, Jr., P.E.
State Engineer

Santa Fe

BATAAN MEMORIAL BUILDING, ROOM 102
SANTA FE, NM 87504-5102
(505) 827-6120
Fax: (505) 827-8882

December 22, 2009

Mr. John R. D'Antonio, Jr., P.E.
New Mexico State Engineer
Concha O. Pino Building
Santa Fe, NM

Dear Mr. D'Antonio,

I am pleased to submit the following report of our activities on the Rio Chama during the 2009 irrigation season, which included water measurement, recording and accounting, as well as the study of various water right matters, and meetings with water users in the area.

Acequia diversion gauges on the Rio Chama were read and maintained as necessary, velocity measurements made, and rates of flow were calculated, resulting in the diversion data summarized in this report.

Thank you for your continued support, and please contact me with any questions that may occur to you after reading this report. I hope it meets with your approval.

Sincerely,

A handwritten signature in black ink, appearing to read "SMWells".

Stermon M. Buck Wells
Rio Chama Watermaster

REVISED PRIORITY DATES FOR RIO CHAMA ACEQUILAS:
As of December 1, 2005

Scull Ranch Pump	1/26/1948 (from WATERS database)	
Winfield Morten Pump	not used, abandoned	
Monastery Pump	5/1/1904 (per Declaration 01821)	
Acequia de Abeyta y Trujillo	1735 (State's Motion filed June 2003)	
Acequia de Jose V. Martinez	1735	"
Acequia Mariano	1734	"
Acequia Valentin Martinez	1734	"
Acequia de la Puente	1734	"
Acequia de Quintana	1734	"
Acequia de la Tierra Azul	1734	"
Acequia de Jose Ferran	1734	"
Acequia de Jose Pablo Gonzales	1734	"
Acequia de los Gonzales	1734	"
Acequia del Rio de Chama	1724	"
Acequia de los Duranes	1724	"
Acequia de Manzanares y Montoya	1724	"
Acequia de los Martinez y Garcias	1724	"
Acequia de Chili y la Cuchilla	1715	"
Acequia de Chamita	1714	"
Acequia de los Salazares	1714	"
Acequia de Hernandez	1714	"

Note: The diversions at Winfield Morton, Monastery of Christ, and Scull Ranch are pumps lifting water directly from the river. The rest of the diversions listed are community ditches that intake water from the river by diversion dam and/or headworks.

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW MEXICO

3 No. 69CV07941-BB
4 RIO CHAMA STREAM SYSTEM
5 Section 1, Chama Mainstream

6 STATE OF NEW MEXICO, ex rel.

7 State Engineer,
8 Plaintiff,

9 vs.

10 RAMON ARAGON, et al.,
11 Defendants.

12 DEPOSITION OF DAVID ORTIZ

13 December 20, 2010

14 9:44 a.m.

15 Office of the State Engineer
16 Concha Ortiz y Pino Building

17 130 South Capital
18 Santa Fe, New Mexico

19 PURSUANT TO THE FEDERAL RULES OF CIVIL PROCEDURE,
20 this Deposition was:

21 TAKEN BY: EDWARD G. NEWVILLE, Special Assistant
22 Attorney General
23 ATTORNEY FOR THE PLAINTIFF

24 REPORTED BY: SUSAN G. PTACEK
25 NEW MEXICO CCR #178
 Paul Baca Professional Court Reporters
 500 4th Street, Suite 105
 Albuquerque, New Mexico 87102

Page 2

APPEARANCES

FOR THE PLAINTIFF:

EDWARD G. NEWVILLE,
Special Assistant Attorney General
ARIANNE SINGER,
Assistant Attorney General
Office of State Engineer
130 South Capital
P.O. Box 25102
Santa Fe, New Mexico 87504-5102
(505) 867-7444 FAX (505) 867-2299
ednewville@rgunwired.net

FOR THE DEFENDANT DAVID ORTIZ:

DAVID ORTIZ, pro se
P.O. Box 1082
San Juan Pueblo, New Mexico 87566

ALSO PRESENT:

ELOY GARCIA

INDEX

EXAMINATION OF DAVID ORTIZ

December 20, 2010

EXAMINATION BY MR. NEWVILLE

REPORTER'S CERTIFICATE

SIGNATURE/CORRECTION

* * *

EXHIBIT INDEX

MAR

Deposition

- 1 Change of Ownership of Water Right, 25
- 2 Warranty Deed, Plat, Letter June 23, 1976
- 3 to David Ortiz from J. K. Couzens, another
- 4 plat
- 5 2 Order Adopting Stipulation 25

Page 3

DAVID ORTIZ,

having been first duly sworn, was examined and
testified as follows:

EXAMINATION

BY MR. NEWVILLE:

Q. I am Edward Newville and I represent the State of New Mexico. And we're here to take your deposition in a water rights claim on the Chamita Ditch. With me is Arianne Singer representing the State of New Mexico.

Mr. Ortiz, if you don't understand any of my questions that I ask, please ask me for an explanation, and we'll work that out.

A. All right.

Q. Would you state your name.

A. My name is David Manuel Ortiz.

Q. And when were you born?

A. I was born December 21, 1941.

Q. Now, where did you grow up?

A. Well, I was born here in Santa Fe.

Q. What is your address now?

A. Mailing address is P.O. box 1082, San Juan or
Ohkay, Owingeh or what it's going to be.

Q. New Mexico?

A. New Mexico, yes.

Q. And what is that area called, generally, the

Page 4

town?

A. Chamita.

Q. Chamita.

A. Now known as Chamita.

Q. How long have you lived in Chamita?

A. 1976. February 14, 1976, when we moved from
Santa Fe to Chamita.

Q. Do you have relatives in Chamita?

A. Well, it turns out most everybody there is
related to me, which I didn't know.

Q. Are you familiar with Chamita only since moving there in '76, or were you there earlier and also familiar with the community while you were younger and growing up?

A. Yes, sir. We used to go pick apples when I was
-- I don't know if I was teenager yet. Right around
turning into a teenager.

Q. Do you own land in Chamita?

A. Yes, sir, I sure do.

Q. And when did you purchase that land?

A. Well, I believe started -- we made an offer in
1975.

Q. 1975?

A. 1975.

Q. And did you purchase the land?

Page 5

A. Yes, sir.

Q. Who did you purchase the land from?

A. Alfredo Salazar, Sr.

Q. Is this irrigated land?

A. Yes, sir.

Q. With water rights?

A. Yes, sir.

Q. How many acres, approximately, of irrigated land?

A. Irrigated is 15.2.

Q. Was that irrigated land -- was it adjudicated water rights in an adjudication proceeding for the Rio Chama?

A. Well, I understand the adjudication process is
taking place now. I didn't know anything about
adjudication then.

Q. Did you -- so when you purchased the land, did Mr. Salazar tell you you had irrigation water rights?

A. Yes, sir.

Q. Did he show you any documentation at the time?

A. Not that I can remember.

Q. Do you have a copy of any deeds for that land that describe it?

A. Yes, sir.

Q. Okay. Can you describe what those documents

2 (Pages 2 to 5)

Page 6

1 are? And we'll just read them into the record and make
2 this an exhibit.

3 A. The front page is a change of ownership of
4 water rights from Alfredo Salazar to myself. The second
5 page is a warranty deed with a description of the land.
6 And the third is a plat of that described land. The
7 next page is from a J. K. Couzens, Engineer, Water
8 Rights Division, stating, "Enclosed is your copy of
9 Change of Ownership of water right for the above
10 numbered file." Subfile 267. "Our records have been
11 changed accordingly." It's dated June 23, 1976.

12 Q. Thank you.

13 A. The last page is a copy of the third one.

14 Q. Now, on the change of ownership of water right
15 it described the water right as subfile 267.

16 A. Yes, sir.

17 Q. Is that correct?

18 A. Yes.

19 Q. As far as you know?

20 A. That's correct, as far as I know.

21 Q. It also describes a map, Tract 17, Map 22?

22 A. Yes, sir.

23 Q. The state engineer hydrographic survey?

24 A. Yes, sir.

25 Q. Is that correct?

Page 7

1 A. That's correct.

2 Q. Let me back up a bit and ask you a little -- a
3 few more questions about your background, sir.

4 Where did you go to school?

5 A. I went to both St. Michael's High School and
6 Santa Fe High School.

7 Q. Where are those located, here in Santa Fe?

8 A. St. Michael's in Santa Fe, yes.

9 Q. Did you attend school after high school?

10 A. No, sir, I didn't.

11 Q. How do you make your living, sir?

12 A. Presently I'm retired and I'm a hobby farmer,
13 rancher.

14 Q. What type of work did you do before you were
15 retired?

16 A. I was an mechanical contractor in business for
17 myself, and worked for other companies before that.

18 Q. What type of work did you do for the other
19 companies before you were a mechanical contractor?

20 A. Plumbing.

21 Q. Are you -- you're an officer of Chamita --
22 Acequia de Chamita; is that correct?

23 A. Yes, sir. I'm a commissioner, treasurer.

24 Q. And how long have you held that office?

25 A. I believe it was 2001, and I was a commissioner

Page 8

1 -- I believe it was '99, and then as a contractor I got
2 a contract to do work on the ditch, so I resigned, so
3 that there wasn't any conflict of interest.

4 Q. You were a commissioner in '99?

5 A. Yes, sir.

6 Q. What office did you hold then?

7 A. I was the treasurer.

8 Q. When did you first -- have you always been a
9 treasurer when you were a commissioner?

10 A. Yes, sir.

11 Q. And when did you first become a commissioner?

12 A. I believe it was '99.

13 Q. '99.

14 A. Yeah.

15 Q. So you've been very involved in acequia
16 affairs?

17 A. Yes, sir, correct.

18 Q. Tell me about your acequia. Do you have annual
19 meetings? Do you have meetings more often? Tell me how
20 you conduct your affairs.

21 A. We have annual meetings, and then every odd
22 year we have meetings where officers are elected.

23 Q. Have you always attended those meetings since
24 you were a parsante (phonetic) of the ditch?

25 A. No, I haven't.

Page 9

1 Q. When have you been active in the acequia
2 matters?

3 A. Probably right before I became a commissioner.

4 Q. Who are the other commissioners at this time?

5 A. Alex Sisneros and Richard Salazar.

6 Q. Do you know Richard Salazar well?

7 A. Yes, sir, I sure do.

8 Q. And he's a professional historian; isn't that
9 correct?

10 A. Not as far as I know.

11 Q. Was he the state historian, as far as you know?

12 A. Richard Salazar?

13 Q. Yes.

14 A. No, not as far as I know.

15 Q. Well, I'd like for you to tell me your opinion
16 on when the -- I'll call it the Chamita Ditch or Acequia
17 de Chamita. When the Chamita Ditch was first
18 established?

19 A. My opinion?

20 Q. Yes.

21 A. Well, according to Hammond and Rey, the authors
22 of Onate The Colonizer, he dug an irrigation ditch on
23 the 11th of August 1598. I believe that's the acequia
24 that is now known as Chamita Acequia.

25 Q. So it's your belief the Chamita Acequia was

3 (Pages 6 to 9)

Page 10

1 established in August in 1598?

2 A. Yes, sir.

3 Q. Is this a recently formed opinion on your part,
4 or something that you felt or believed for a long time?

5 A. Well, I'd say since I became a commissioner. I
6 had heard the stories before, but I had not verified
7 them and studied them.

8 Q. What stories -- you say you've heard the
9 stories before. Can you explain that to me? What you
10 mean by that?

11 A. In conversation with different people in the
12 community it was a well-known fact that Chamita was
13 established 1598.

14 Q. And then you say you did some work on your own
15 at some point in time to confirm that?

16 A. Yes, sir.

17 Q. What kind of work did you do?

18 A. I did study an in-depth of Onate The Colonizer,
19 which a lot of people use to form their opinions, and
20 many others, Jenkins, Ellis.

21 Q. So you've relied on various people and their
22 opinions?

23 A. Yes, sir. Historical.

24 Q. And could you tell me who those individuals
25 were, and what work did it entail?

Page 11

1 A. It wouldn't be just --

2 Q. You mentioned Hammond and Rey, and I'm
3 wondering what other -- what are the bases, you know,
4 you rely on in supporting this opinion?

5 A. Hammond and Rey is the beginning. Everybody
6 that comes after that basis their opinion on that
7 document. On that book.

8 Q. You said that you had conversations with people
9 in Chamita, and it was commonly -- the belief was that
10 the ditch was established in 1598?

11 A. Yes, sir.

12 Q. So this has been your understanding for --
13 since you've moved to Chamita?

14 A. Well, maybe not since I moved there, but the
15 last 12 years since I've been a commissioner. Before
16 that I didn't attend the meetings because I worked out
17 of town. Being a plumber, we worked -- I did most of my
18 work in Albuquerque, even as far as -- I can't think of
19 it. Where the Very Large Array is. We traveled all
20 over the state building things. So I never had time to
21 attend meetings then.

22 Q. What was your understanding of when the
23 Hernandez and Salazar ditches were established?

24 A. I don't know. I don't have any opinion. It's
25 none of my business, as far as I'm concerned.

Page 12

1 Q. I wanted to go over something that the court
2 filed in 1995. It's a stipulation between Dr. Hordes
3 and John Baxter. It was filed with the court in 1995.
4 I ask you if you agree with statements here or disagree.

5 A. Specifically which one?

6 Q. Look at No. 2, "The Onate expedition arrived at
7 the present San Juan Pueblo on July 11, 1598."

8 A. I don't believe that's an accurate statement.

9 Q. What's inaccurate about it? Tell me.

10 A. Number one, it was not San Juan Pueblo. It was
11 an Indian pueblo.

12 Number two, the advance party arrived July 11,
13 1598. The main party didn't arrive until August 18th.

14 Q. Okay. Look at the third one here. "With the
15 assistance of 1500 Pueblo Indians, Onate initiated a
16 project to build an acequia from the east bank of the
17 Rio Grande."

18 You disagree with that?

19 A. I disagree with it.

20 Q. How do you disagree with it?

21 A. The history book does state "1500 barbarian
22 Indians," but no where in Onate's itinerary does he say
23 that they started an irrigation ditch on the east bank
24 of the river."

25 Q. This doesn't say that Onate's -- I forgot the

Page 13

1 word you used, but in writing it says it's on the east
2 side of the river, but this is their opinion of Onate
3 initiated this project to build an acequia on the east
4 bank of the river. You disagree with that?

5 A. I disagree with that.

6 Q. Do you believe that he did initiate a project
7 to build an acequia at this time?

8 A. On August 11th he did initiate an acequia.

9 Q. Where was that acequia? Are you familiar with
10 that?

11 A. In San Gabriel.

12 Q. Which is?

13 A. Now Chamita.

14 Q. Chamita, that would be the Acequia de Chamita?

15 A. Yes.

16 Q. So it's your opinion that Onate did not
17 initiate any project to build an acequia on the east
18 side of the river at this time?

19 A. That's correct.

20 Q. There is a very large acequia on the east side
21 of the river, is there not?

22 A. I don't know "large." I know there's two
23 acequias.

24 Q. Excuse me.

25 A. There's two acequias on the pueblo on the east

4 (Pages 10 to 13)

Page 14

Page 16

1 side.

2 **Q. Do you have an opinion about when those were**
3 **constructed?**

4 A. No, sir.

5 **Q. This No. 4. Can you read that and tell me you**
6 **agree with that or not?**

7 A. Why -- I don't agree with it.

8 **Q. Can you tell me what part you don't agree with?**

9 A. Right off the bat, there is no historical fact
10 to support Spanish settlers moving from the east bank to
11 the west bank in 1600.

12 **Q. What do you think happened at that time in**
13 **1600?**

14 A. In 1600 the only thing that the history book
15 talks about is that reinforcements came to San Gabriel
16 on the 24th, which was the day before Christmas.

17 **Q. What history book would that be?**

18 A. Onate The Colonizer, Hammond and Rey.

19 **Q. Hammond and Rey.**

20 A. Translation of Onate's papers.

21 **Q. Is Hammond and Rey the main source of history**
22 **that you rely on in your confirmation of your belief**
23 **that the Chamita Ditch was established in 1598?**

24 A. That's correct.

25 **Q. A few other questions. I think we will put**

Page 15

Page 17

1 this aside.

2 **How long have you known Eloy Garcia, who is**
3 **also here today?**

4 A. Well, I did attend some of the meetings
5 scattered here and there, and I met him then. But we
6 became better acquainted when he became mayordomo and I
7 became commissioner, and then we not only were members
8 of the same acequia but we started running cattle
9 together.

10 **Q. And he's the mayordomo of the acequia?**

11 A. Yes, sir.

12 **Q. How long has he been a mayordomo?**

13 A. I believe about 12 years.

14 **Q. And you also know Ronald Rudstrom?**

15 A. Yes, sir.

16 **Q. How long have you known Mr. Rudstrom?**

17 A. Oh, I'd say 10 years.

18 **Q. Not before?**

19 A. I may have seen him. I don't remember him.

20 **Q. You have known Mr. Garcia for a longer period**
21 **of time?**

22 A. Yes, sir.

23 **Q. Mr. Rudstrom and Mr. Garcia filed objections to**
24 **the court's proposed priority date for the Chamita**
25 **Ditch; is that correct?**

1 A. I believe that's so.

2 **Q. And the court's -- state's proposed the**
3 **priority date for the ditch as 1714?**

4 A. That's correct.

5 **Q. Have you had occasion ever to discuss with them**
6 **why they filed those objections?**

7 A. It's my understanding from our conversations
8 that they objected to the 1714 date that the state was
9 offering.

10 **Q. I think those objections were filed in 1995.**
11 **Did you discuss those objections with them, or the**
12 **state's proposal at the time?**

13 A. No, sir. I had no knowledge of any court case
14 or what they were doing.

15 **Q. You were unaware of the proposal of the state**
16 **to establish a priority date of 1714?**

17 A. That's correct.

18 **Q. When did you -- do you have any awareness of an**
19 **adjudication proceeding at all when you bought the land?**

20 A. No, sir.

21 **Q. When did you learn that those water rights were**
22 **subject to an adjudication proceeding?**

23 A. I don't know. I don't know. If I saw the word
24 "adjudication," I didn't even know what it meant.

25 **Q. Do you recall receiving a packet of information**

1 about the adjudication of the Jicarilla Apache?

2 A. I don't recall.

3 **Q. You don't recall signing a waiver of service**
4 **and summons and filing it with the court in 1995?**

5 A. No, I don't remember.

6 **Q. But you could have done that?**

7 A. I could have, yes, sir. Yes, sir.

8 **Q. Mr. Ortiz, one of the -- in one of the**
9 **pleadings that you've recently filed with the court, you**
10 **said that you were asleep in -- "We were asleep in**
11 **1996."**

12 **Could you explain to me what you meant by that?**

13 A. I didn't know what was going on. We were not
14 informed by our commission.

15 **Q. In 1996 you had no awareness of the process to**
16 **make a determination of the Acequia de Chamita priority**
17 **date?**

18 A. No.

19 **Q. But it is your testimony here today you're**
20 **generally aware that the prior to 1996 or 1999, I think**
21 **you mentioned, that the Chamita Ditch was established in**
22 **1598; is that correct?**

23 A. Pardon me?

24 **Q. You mentioned that when you moved to Chamita**
25 **people believed that the ditch and the community was**

5 (Pages 14 to 17)

Page 18

Page 20

1 established in 1598.

2 A. Certain individuals that I had conversations
3 with. I didn't say all of them.

4 Q. So you did discuss this with people in the
5 community?

6 A. Yes, sir.

7 Q. Were there ever any meetings in your community
8 to discuss the determination of the priority date?

9 A. No, sir.

10 Q. None that you recall?

11 A. No, sir.

12 Q. None that you attended?

13 A. None that I recall. I don't know.

14 Q. Were you aware of the hearings that were held
15 in 1996?

16 A. Not at that time.

17 Q. When did you first become aware of those
18 hearings?

19 A. Oh, a few years later. Probably -- because one
20 of the commissioners, Juan Archuleta, who is now
21 deceased and was a commissioner, we had a lot of
22 conversations after that, after I became commissioner.

23 Q. What was your understanding of the hearings and
24 the issues that were before the court?

25 A. Then?

Page 19

Page 21

1 Q. Yes, in 1996.

2 A. I don't -- I don't even know it happened. I
3 didn't know.

4 Q. Did you know what the position was of the
5 acequia at the hearings?

6 A. Well -- you mean the commissioners or the
7 lawyer?

8 Q. The commissioners of the acequia.

9 A. As far as I know, the commissioners always
10 believed that it was 1598.

11 Q. When was the first time you saw the stipulation
12 between Dr. Stanley Hordes and John Baxter?

13 A. Probably after February of this year.

14 Q. Have you had any discussions with Richard
15 Salazar on when the Chamita Ditch was established?

16 A. Not recently, but Richard Salazar's signature
17 on the acequia bylaws has the August 11, 1598, date, and
18 a paragraph stating that it was established on August
19 11, 1598. In 2004 it's got his signature on it.

20 Q. What do you think that means?

21 A. Well, I think it means that he thought the
22 establishment was August 11, 1598.

23 Q. Has he told you that?

24 A. No. But he put his signature on the bylaws.
25 They were filed with the state engineer here and the

1 County of Rio Arriba?

2 Q. Has he ever mentioned what his opinion is to
3 you, personal opinion or opinion as an historian?

4 A. No, no. A month ago I had a bunch of caps and
5 he came and bought four of them from me.

6 Q. Tell the court reporter what the cap says.

7 A. Acequia de Chamita established 1598. Alex
8 Sisneros has another boxful that we gave one to each
9 parsante, and we were selling the rest at \$5 a piece.

10 Q. Mr. Ortiz, there's a ditch, I believe, directly
11 across the river from the point of diversion of the
12 Chamita Ditch; is that correct?

13 A. Yes, sir.

14 Q. Which ditch is that?

15 A. Salazar -- oh, you mean where you take the
16 water out?

17 Q. Yes, where you take the water out.

18 A. Hernandez.

19 Q. The Hernandez. That's the highest on the Chama
20 across from the Chamita Ditch; is that correct?

21 A. That's correct.

22 Q. How do you allocate water between those two
23 ditches? Is there any formal allocation agreement?

24 A. No, sir. We can both fill our ditches.

25 Q. Has there ever been any problem with the

1 allocation of water between the two ditches?

2 A. Not from allocation, but we do have problems
3 with them, because if their gate in the river is not all
4 the way down, we can't get water in our ditch. And so
5 if the river is full, and the water is jumping over the
6 wall, we can fill our ditch. And we don't care if they
7 open their gate, as long as the water jumps the wall and
8 we can fill the ditch. But when they have their gate
9 open, and they lower the flow in the river, we don't
10 fill our ditch, and then we get pretty irritated.

11 Q. When they lower their gate, has there always
12 been enough water for both of you?

13 A. Yes, sir.

14 Q. And you say you have no opinion on the priority
15 date of the --

16 A. No, sir.

17 Q. -- the other two ditches?

18 A. No, sir.

19 Q. Okay. Are you aware of the inter se phase of
20 the adjudication proceeding?

21 A. I've learned that word and the definition of it
22 since February. Maybe I don't understand it completely,
23 but from my understanding, then, the lawyer does the
24 talking for the acequia community.

25 Q. So what is your understanding of the inter se

6 (Pages 18 to 21)

Page 22

Page 24

1 phase? Do you understand what that process would be in
2 an adjudication?

3 A. Not completely.

4 EXAMINATION

5 BY MS. SINGER:

6 Q. Mr. Ortiz, you said you have owned your
7 property since '76?

8 A. That's correct.

9 Q. Did you irrigate at the time?

10 A. Yes. I irrigated every year since then.

11 Q. What have you been growing?

12 A. Well, when all my children were home, used to
13 plant a big garden. And once they ran away, then I've
14 got an apple orchard, and fruit trees, and alfalfa, and
15 the grass, and pasture.

16 Q. Did the mayordomo ever come along when you were
17 irrigating in those years?

18 A. Yeah. I knew the mayordomo.

19 Q. Who was the mayordomo before Mr. Garcia?

20 A. Pedro Martinez.

21 Q. How long was he the mayordomo?

22 A. I'm not sure.

23 Q. Was there a mayordomo before him? Do you
24 remember?

25 A. Yeah. Quite a few. I didn't know them. I've

1 since I became a commissioner, I think I know just about
2 everybody in the community.

3 Q. Do the people next door to you irrigate? They
4 have a ditch as well?

5 A. That's correct.

6 MS. SINGER: David, any more?

7 MR. NEWVILLE: No, I don't. I'd just like to
8 have a couple things be exhibits. The first one is the
9 paperwork that you brought, starting with the chain of
10 ownership. Exhibit 1.

11 THE WITNESS: Can you make a copy of it?
12 That's my only copy.

13 MR. NEWVILLE: Yes. And the Order Adopting
14 Stipulation.

15 (Deposition Exhibit Nos. 1 and 2 were marked
16 for identification.)

17 MR. NEWVILLE: I will advise that you have the
18 right to read and sign this deposition. Would you like
19 to?

20 You can also order a copy from the court
21 reporter also. But you can waive reading and signing,
22 or you can ask that you be provided with a written copy
23 so you can read it and make any corrections that you
24 feel are necessary.

25 THE WITNESS: Yes. I would like to read and

Page 23

Page 25

1 heard of them.

2 Q. Is there an annual ditch cleaning beginning of
3 the irrigation season?

4 A. Yes, there is.

5 Q. About how many people participate?

6 A. Well, in past I understand that everybody put
7 labor, including the Indians. It was cleaned by the
8 community. But as far as I can remember, every parsante
9 now has -- is in charge of his own right of way. So I
10 clean my right of way since then.

11 Q. So are you familiar if people just do it on
12 their own or at a time when everyone -- like a weekend
13 everyone cleans out the ditch at the same time?

14 A. No. No. Usually -- usually the mayordomo is
15 put on the payroll, and he goes and starts notifying the
16 parsantes that we're going to put water in such-and-such
17 a date. And we usually like to do it by March 15th, and
18 so it kind of hurries people along.

19 Q. So you've been doing that, then, since 1976?

20 A. Cleaning?

21 Q. Cleaning the ditch.

22 A. Yeah, that's correct.

23 Q. Do you know your neighbors?

24 A. I sure do. Like I said, before I was
25 commissioner I probably didn't know very many. But

1 sign it.

2 MR. NEWVILLE: Read and sign. We're done.

3 (Whereupon the deposition was concluded at the
4 approximate hour of 10:20 a.m.)

5 * * *

1 STATE OF NEW MEXICO, ex rel., State Engineer VS ROMAN — 1
 ARAGON, et al.

2 DEPONENT SIGNATURE/CORRECTION PAGE

3 If there are any typographical errors to your
 4 deposition, please indicate them below.

5 PAGE LINE

6 3 21 box Change to Box
 7 8 24 PASANTE Change to PARCIANTE(S) ALL CASES
 8 15 14,16,23 Rudstrom Change to RUNDSTRÖM
 9 21 22 February Change to February 2010

10 Change to

11 Any other changes to your deposition are to be
 12 listed below with a statement as to the reason for
 such change. You may use additional pages if
 needed.

PAGE	LINE	CORRECTION	REASON FOR CORRECTION
14	2	16 ADD ARIANNE SINGER	ALSO QUESTION DAVID ORTIZ
15	3	2 SWORN BY AFFIRMATION	CLEARIFICATION
16	3	8 DITCH VS ACEQUIA	SEE CORRECTION SHEET ADD
17	4	11-17 APPLE PICKING	" "
18	5	19 SO DID THE REALTOR	" "
19	7	9,10 ATTENDED MILITARY AND TRADE SCHOOLS	" "
20	7	11,12,13 ADD PROFESSIONALLY	" "

21 I, DAVID ORTIZ, do hereby certify that I have read
 22 the foregoing pages of my testimony as transcribed, and
 that the same is a true and correct transcript of the
 testimony given by me in this deposition, except for the
 changes made.

24 DATED: 2-10-2010


 DAVID ORTIZ

1 STATE OF NEW MEXICO, ex rel., State Engineer VS ROMAN
ARAGON, et al. 2

2

DEPONENT SIGNATURE/CORRECTION PAGE

3

4 If there are any typographical errors to your
deposition, please indicate them below.

5

PAGE LINE

6

Change to

7

Change to

8

Change to

9

Change to

10

Change to

11

12 Any other changes to your deposition are to be
listed below with a statement as to the reason for
such change. You may use additional pages if
needed.

13

PAGE	LINE	CORRECTION	REASON FOR CORRECTION
14	7,8	21-25, 1-14	COMMISSIONER "Clarification" SEE ADD.
15	8	15-17	CHAMITA, ONLY SINCE 99 "
16	10	17-20	H/R "ONATE the COLONIZER EVERYONE PRIMARY SOURCE" "
17	10	21-23	SEE EXH. W DOC 9657 FILED 3-31-2010 "
18	11	19	ST. AUGUSTINE PLAINS MAGDELENA " "
19	12	14-25	SEE EXH. E DOC 9657 FILED 3-31-2010 ATTACH. A "
20	14	14	REFERS ONLY TO 1600 MOVE " "

21 I, DAVID ORTIZ, do hereby certify that I have read
the foregoing pages of my testimony as transcribed, and
that the same is a true and correct transcript of the
22 testimony given by me in this deposition, except for the
changes made.

23

24 DATED: 2-10-2010


DAVID ORTIZ

25

1 STATE OF NEW MEXICO, ex rel., State Engineer VS ROMAN 3
 2 ARAGON, et al.

3 DEPONENT SIGNATURE/CORRECTION PAGE

4 If there are any typographical errors to your
 5 deposition, please indicate them below.

6 PAGE LINE

7 Change to

8 Change to

9 Change to

10 Change to

11 Change to

12 Any other changes to your deposition are to be
 13 listed below with a statement as to the reason for
 14 such change. You may use additional pages if
 15 needed.

16 PAGE LINE CORRECTION REASON FOR CORRECTION

17 14 24 SEE EXHIBIT DOC. 9657 " "
 18 FILED 3-31-10

19 16 1 I HAVE NOT SEEN THOSE OBJECTIONS " "

20 16 2-4 DID NOT SEE IT IN WRITING UNTIL " "
 21 2010

22 16 15-17 IN CONVERSATIONS AFTER I " "
 23 BECAME COMMISSIONER, 2001

24 17 19-23 CONFUSING QUESTION. YOU SETTLED " "
 25 ON 24, 25

26 19 14-25 SEE ATTACH B " "

27 20 1-9 SEE SIGNATURES ON A & C

28 I, DAVID ORTIZ, do hereby certify that I have read
 29 the foregoing pages of my testimony as transcribed, and
 30 that the same is a true and correct transcript of the
 31 testimony given by me in this deposition, except for the
 32 changes made.

33 DATED: 2-10-2010

34 
 35 DAVID ORTIZ

1 STATE OF NEW MEXICO, ex rel., State Engineer VS ROMAN 4
 2 ARAGON, et al.

3 DEPONENT SIGNATURE/CORRECTION PAGE

4 If there are any typographical errors to your
 5 deposition, please indicate them below.

6 PAGE LINE

7 Change to

8 Change to

9 Change to

10 Change to

11 Change to

12 Any other changes to your deposition are to be
 13 listed below with a statement as to the reason for
 14 such change. You may use additional pages if
 15 needed.

PAGE	LINE	CORRECTION	REASON FOR CORRECTION
14	21	1-10 CAN YOU IMAGINE THE PROBLEM IF 3 OR 10 ACEQUIAS HAVE THE SAME PRIORITY ON A SINGLE ACEQUIA CALL?	CLEARIFICATION
16		LIKE LINDA GORDAN, NO ONE WANTS CALLS.	

17

18

19

20 I, DAVID ORTIZ, do hereby certify that I have read
 21 the foregoing pages of my testimony as transcribed, and
 22 that the same is a true and correct transcript of the
 23 testimony given by me in this deposition, except for the
 24 changes made.

25

26 DATED: 2-10-2010

David Ortiz
 DAVID ORTIZ

CORRECTIONS SHEET Addition

28-1, 2, 3, 4

28-1 16 P3:8

Acequia: Community of Land Owners with right to use water out of the water conduit.

28-1 17 P4:11-17

DITCH: Could be any depression that runs water even intermittently. My father worked with Mr. Romero who had an apple orchard on the lower road (CR56) at west end, where we helped pick apples.

28-2 14 P7,8:
21-25, 1-14

end of 98, 1st month of 99
Re-elected in 2001. (Verified)

28-2 15 P8:17

I was chairman of the Board on the San Luis Peoples Ditch, 1996, #1 Priority in Colo. Also Mayordomo on the Robert Allen Ditch Priority #43 in San Luis before 1999.

28-3 P12:14-25
P13:1-25

ONE CAN SEARCH EXHAUSTIVELY BETWEEN ONATE AND TORQUEMADA AND THERE IS MENTION OF ONLY 1 (ONE) ACEQUIA.

2-10-2011

David Ortiz



note



George F. Hammond
Agape, R.

EXHIBIT E

DON JUAN DE OÑATE

Colonizer of New Mexico

1595-1628

GEORGE P. HAMMOND *University of California*

AGAPITO REY *Indiana University*

The University of New Mexico Press

1953

INTRODUCTION

17

ahead to explore the entire Río Grande area. Everywhere he was received in friendship by the natives. On July 7, he and the father commissary staged a great ceremony at the pueblo of Santo Domingo, when a general council was held with seven Indian chieftains, who were told through interpreters about the Christian God and king. Then these chieftains, on bended knee, after listening to discourses on Spanish politics and theology, swore allegiance to the new sovereigns. In this simple manner, they became citizens of the Spanish empire, subjects of its king and worshippers of its God. The same ceremony was repeated at San Juan Bautista, September 9, after dedication of the new church, and at Acolocu, Cueloze, Acoma, Zuñi, and Moqui, modern Hopi land.

From Santo Domingo, the Spaniards explored the nearby pueblos, and then, on July 11, at the Indian pueblo of Ohke, they founded their first headquarters or capital on the east bank of the Río Grande and named it San Juan de los Caballeros. Here they remained for a few months, but then they moved their camp to the pueblo of Yunque, or Yugewinge, which they called San Gabriel, on the left bank of the Chama where it flows into the Río Grande. This was a town of approximately four hundred houses and was more adequate for the needs of the Spanish forces. It remained the capital of New Mexico until Governor Don Pedro de Peralta, Oñate's successor, founded Santa Fé in 1610.

NO FOOTNOTE SEE P 322-3

How the Spaniards lived we can only surmise, but they found the houses of this town comfortable and satisfactory. Food and clothing, provided by the Indians, were evidently plentiful. Not ~~will~~ later did the natives grow restless at the long stay of their guests and their constant demands for sustenance.

The main body of Oñate's colonists reached San Juan on August 18, 1598, having suffered for want of food on the way. The various parts of the expedition were now reunited in their ~~new~~ home. Immediately after this homecoming, there was a ~~great~~ celebration, during which the first church in the new land was begun. Everyone helped with its construction, and on September 8 it was dedicated, Father Cristóbal de Salazar preaching the sermon. On the next day, the province of New Mexico was divided up among the friars. Picuríes and Taos went to Father

322
 always carried it with them and who had said many masses all along the route, the governor set out for the province of the Emes.²³ He spent that night at the great pueblo of Tzia, already mentioned.

On August 3 we went to the great pueblo of the Emes. On this trip the natives came out to meet us, bringing water and bread, at a most difficult hill, and they helped us to take up the cavalry armor and weapons. Two horses rolled down shortly before reaching the top. It was the feast day of the Ynbención. We found the paten which belonged to the fathers, first discoverers, who had been killed eighteen years before. It was worn, suspended from the neck, by a petty chieftain of Emes who had drilled a small hole in the middle of it. He traded it for hawks bells, but even if he had not accepted them, he would not have been allowed to take it away. It is now kept in the ciborium of this convent of San Juan. It was the feast day of the Ynbención of San Estevan when we found it.

On the 4th we went down to other Emes pueblos. They say that there are eleven altogether; we saw eight. The descent was so rough that three horses tumbled down the precipice, and two of them were killed. Most of us who were on foot also fell. With extreme caution, we traveled about four leagues.

On the 5th we went down one league to the last pueblo of this province. We saw the marvelous hot baths, the waters of which rise in many places. They are unusual marvels of nature, having cold and very hot waters, and many deposits of sulphur and alum.²⁴ These are indeed well worth seeing, as will be fully told in the description of this land. The present report is only an itinerary of our journey. One league.

On the 6th, day of the Transfiguration, which we chose as the name of the convent there, we set out, after mass, and camped for the night on our way back to our headquarters. On the 7th we continued to Santo Domingo and spent the night at Asumpción. On the 8th we left for San Ildefonso, where we remained on the 9th; on the 10th, feast day of San Lorenzo, after mass, we went to San Juan.

D. + CH

On the 11th we began work on the irrigation ditch for the

²³. That is, Jemez.

²⁴. The Jemez Hot Springs are still very famous and well worth a visit.

ITINERARY OF THE EXPEDITION, 1596-98

323

city of our father, Saint Francis. Just as the Spaniards worship him as their patron saint, so the Indians in their chapel worship Saint Paul on the feast day of his conversion, and thus St. Paul is considered as the patron saint of all New Mexico, as Saint Joseph is of New Spain. Thus these provinces are called the Conversión Evangélica, and they have the conversion of Saint Paul as their emblem. Some fifteen hundred barbarian Indians gathered on this day and helped us with our work.

We waited for the carts until August 18 of the said year, 1598, when they arrived. This was the eve of the feast of the blessed San Luis Obispo, on whose day, a year before, they had arrived at San Bartolomé after a long wait at Casco, harassed by the children of this world in the prosecution of this blessed expedition.

On the 20th the worthlessness of some soldiers who organized a conspiracy was made evident. The 21st was the day of merciful punishment. It was the occasion of the famous sermon of tears, and of universal peace.

Church

On the 23rd the building of the church was started, and it was completed on September 7. It was large enough to accommodate all the people of the camp.

SEPTEMBER, 1598

Camp

On September 8, feast day of our Lady, the great celebration of the dedication of the church of Saint John the Baptist took place. It was blessed by the father commissary, who also consecrated the altar and the chalices. Father Salazar delivered the sermon. In the afternoon the whole camp celebrated with a good sham battle between Moors and Christians, the latter on foot with harquebuses, the former on horseback with lances and shields.

On the 9th a general assembly was held of all the country thus far discovered, and its provinces were distributed among the eight friar priests of the order of Saint Francis.²⁵ These provinces rendered obedience to his majesty voluntarily, accepting him as their king and lord. On the 10th or 11th the governor

²⁵ For the assignment of the missionaries to their pueblos, see below, "Act of Obedience and Vassalage by the Indians of the Pueblo of San Juan Bautista," pp. 342-347.

PRIMERA PARTE
DE LOS VEINTE IVN DIOS RITUALES IMONARCHIA
Indiana con el orígen y guerra de los Indios Occidentales de
los Pobladores de la Nueva España Conquista, Conversión y
las cosas maravillosas de la misma tierra distribuidos
en tres tomos.

COMPUESTO POR E. JUAN DE TORQUEMADA
Ministro Provincial de la Orden de Nuestro Señor Padre
San Francisco en la Provincia del Santo Evangelio de
México en la Nueva España.



DICO EGO OPERA MEA REI
Seculorum immortal et inuisibil
CON PRIVILEGIO

A 544 1753

672

Libro Quinto

EXHIBIT G

la avia embiado el Conde para estas averiguaciones à Don Lope de Ulloa, y allà se negoció de manera, que la Jornada se prosiguió, y fue nombrado Frai Alonso Martinez por nuevo Comisario, y llevó consigo otros Religiosos, y pasaron todos, hasta llegar à las Poblaciones, que llaman Nuevo Mexico, y allí asentaron Real, y os Dia permanece; y de lo que ha ido sucediendo, se dirà en sus lugares.

1602.

En el Año de 1602. por el Mes de Noviembre, vinieron los Navios de la China, como suelen, por aquel tiempo, vieron los que venian en la Nao, Almiranta (llamado San Antonio de Padua) una señal en el Cielo; que les causó espanto, y admiracion, la qual se tomó por Testimonio, con fee de Escrivano, el qual tengo en mi poder, y dice así: En el Año de 1602. à quatro de Noviembre de el dicho Año, à las ocho y media de la Noche, viniendo navegando de las Islas Filipinas, en demanda de la Costa de Nueva-España, 38. grados y medio, docientas Leguas de Tierra; estando para tomar la Guardia, la buelta de el Norte, apareció una grandissima claridad en el Cielo, que totalmente parecian Campos, que se quemaban; porque toda su color era tan bermeja, que parecia una propia sangre, y esto de el Oriente para arriba, no subió tanto, que pudiese cubrir la Estrella de el Norte, y en el circuito, que tomaba aquella color roja, à trechos estaban hechas unas barras, de Norte à Sur, y su color de estas era, entre blanco, y amarillo: Y estando toda la Gente de la Nao, mirando con grandissima atencion, vieron, se vino à dividir por la mitad de el Norte, adonde vino à quedar el Cielo muy blanco, y la maior parte que dividió, fue corriendo à la parte de Leste, y esto fue derramandole de lo que quedó, à la parte de el Oeste, y se vino à consumir, quedando antes que se enfuerviera, como un Tizon en el Aire, y esto duraria por tiempo de hora y media. De lo qual doi fee, y verdadero Testimonio, Yo Sebastian Solano, Escrivano de la dicha Nao, por su Magestad, que pasó allí, y lo vi, en Testimonio de lo qual, hice mi firma acostumbrada. Sebastian Solano. Què aya querido significar esta prodigiola señal, no lo sé; pero tambien sabemos, que son demostraciones estas, y otras co-

mo ellas, de cosas que suelen acontecer, como son Muertes, Guerras y Hambreras, quiera Dios, que esta no sea indicio de nada de esto, sino solamente figura, que aya querido Dios mostrar, para solo que le alabemos.

CAP. XXXVII. Relaciones de las cosas, que han ido sucediendo, en las Provincias del Nuevo Mexico, despues que fueron à poblarlas nuestros Españoles, de que fue por General Don Juan de Oñate.



ESPACHADOS

Don Juan de Oñate, y los Sios, para la Jornada del Nuevo Mexico, siguieron su camino, en demanda de aquellas Tierras, y en llegando à aquellas partes, tomaron posesion, por el Rei, en ellas, y el Pueblo donde Don Juan de Oñate, Governador, y Capitan General de esta Entrada, hizo asiento, y puso su Real, se llama San Gabriel, el qual Sitio está en treinta y siete grados de altura al Norte, y está situado entre dos Rios, y con las Aguas del menor de los dos, se riegan los Trigos, Cevada, y Maiz, y las demás cosas, que se siembran en las Huertas, que son, Coles, Cebollas, y otras Hortalizas, que se dan muy bien. El otro Rio es grande, que llaman del Norte, que es de mucho, y muy buen Pescado.

En este Lugar se iniciaron, y asentaron su Real los Castellanos, y de aquí comenzaron à granjear las voluntades de otros Convecinos, y ya por fuerza, o ya de grado, traxeron à su obediencia todos aquellos Pueblos, y en algunos de ellos se repartieron los Religiosos, que avian ido à esta Conversion, aunque no luego comenzaron à traer à la Fè las Gentes de ellos; porque como no se entendian los unos à los otros, no podian ser persuadidos al intento de los Religiosos, solo les daban à entender los Españoles, que avian de tributarles, y servirles; y quando no se querian dar por entendidos los Indios, se lo daban à entender por fuerza. Así comenzó esta Poblacion, y se conservó, à mal de su pesar de los Indios, que aunque à los principios los re-

678

Libro Quinto

fados de los trabajos, y calamidades, que padecian.

Fueron seis Religiosos, y por Comisario de ellos, y de los que allí estaban, el Padre Frai Francisco de Escobar, Hombre de Aprobacion, de Vida, y Letras, aunque por causas que concurrieron, le fue la Comision al Padre Frai Francisco de Velasco, que allí estaba por vn Año; y mandato al nuevo Comisario, que de acá iba, que así se cumpliese, y con Gente que fue de socorro para lo que se ofreciese, así de Prebendas, como de Entradas, quedó todo cumplido, y el Virrei, y la Orden quieros de la inquietud, que les causaba el desconcierto, y mal avio de aquella Entrada.

Tocadas ya aquellas Gentes de la Mano de Dios poderosa, comenzaron a Bautizarse, y tenian ya el Año pasado de mil seiscientos y ocho Años, mas de ocho mil Animas, y con este contento, así de los Ministros Ecclesiasticos, como de lo Secular, escribieron al Virrei, y a la Orden, y vinieron Religiosos con Razon de todo lo que pasaba, y a pedir ainda, así en lo Temporal, como en lo Espiritual; a lo qual se acudió liberalmente; y para lo Espiritual, fueron ocho, o nueve Religiosos, que ayudasen en tan Apostolica obra, y el Padre Frai Alonso Peinado por Comisario de ellos, y de los que allí están, por aver renunciado este Oficio el Padre Frai Francisco de Escobar, que hasta entonces lo avia sido, con mucha Aprobacion. El Virrei los proveió, como era justo, y nombró por Capitan de la Gente, que fue de quevo, al mismo que iba por Governador, en nombre de el Rei; por que ya su Magestad lo ha tomado a su cargo, y por suia la Conquista; y así entendemos, tendrá mucha medra aquella conversion, porque para su Remedio tenia necesidad de vn brazo tan poderoso, como es el de el Rey Nuestro Señor.



C A P. XXXX

da fin a las Relaciones de Mexico, y se dicen en particular las cosas tocantes a sus Moradores.



A hemos dicho, que el lugar principal donde el Governador Don Juan de Oñate hizo su Poblacion, y le puso su Real, le puso el Nombre San Gabriel, que está situado en treinta y siete leguas de Ahura, y que tiene por vados dos Rios, vno de los quales es de buen Agua, que el otro. Este chico tiene todas las Sementeras de Trigo, y Maiz, que ay de Riego, y todas las demás cosas, que se siembran en Huertas, porque se dan en aquella Tierra Coles, Cebollas, Lechugas, y Rabanos, y la demás verdura menuda, que en esta: danse muchos, y buenos Melones, y Sandias.

El otro Rio es mui grande, y llamale de el Norte, dase en el mucho Pescado, y de cinco Leguas, mas arriba de el Real, buenas Truchas (y muchas de a dos palmos) mas abaxo de el Real, se toma mucho Pescado, como son Bagres, Matalotes, Mojarras, y Moligotes; y en los Esteros de este Rio, se pescan Anguilas, que pasan de a vara.

Todo lo que se siembra de Castilla, y el Maiz, y Chile de acá, se da bueno, y mucho. Criaban las Indias muchas Gallinas de la Tierra, y mucha Caça de grandes Venados, Cabras Montañas, y muchas Liebres, y Conejos: Dase bien el Ganado de Castilla, así menor, como mayor, y las leguas, y los Puercos, y Gallinas en quebradas, y Riberas de Arroyos, mucha Vba, y Rosas, y Cirios, y por los Campos mucho Lino. Estas cosas se dan, y nacen sin sembrarlas, ni labrarlas. Asi en partes de las Cruceas muy buenas, y Pisones, y otros que los de esta Tierra. Esta es cada de Vacas de Gibola, aunque mas cercanas están circunueleguas, cuya carne es mui sabrosa, y es tan bueno, que se comen crudos, y bocados: la Manteca es cosa mui delicada, y de lindo sabor.

Luego que las Maçorcas de Maiz llegan a estar en leche, cogen muchas de ellas.

ellas; y amasadas; y ellas estendida, mui ra de hojaldrado, con fruta de Sarrén; y amasada, hacen vn manera, que vna se gantia al Sol; y para comer; y quitan la quasi quaxa de ellas, y tostadas, ponen al Sol; y las, y secas, las mis Maçorcas, que las dexan sazonar, guardarlas en Maiz mer, y para sembrar de esto hacen, por mienzan muy temprano, y asi tienen este comida, para gozar que se leicle toda buenos Frisoles; y y sabrosas; hacen de por la mañana Aroinas Gachas, o Po men frio todo el Sal, ni lo cuecen como estos otros. Tambien hacen Ta como los de por ac dinario Pan.

La Tierra es mui iela, y nieva: muy vierno, y el Verar España. Para los si ay mucha Leña; no, y otros gener debaxo de la Tierra Invierno: Y estan que ha acedido el ragera, y en el ciendo Misa (aunq cas veces) los Ri xan de mui grueso lo; es largo el In no corto; pero co fia Castilla la Vie

Las Gentes Indios, como India de buena estatura agestados. Son do to, y alegres; (que serán ciento Pöeblos) es de G partida de lo q Desde que mama ban sus Madres co po, porque se frio; y todo el

Acequia de Chamita

Established 1598

First Acequia in the USA

PO Box 930
San Juan Pueblo,
New Mexico 87566

5/3/2002

New Mexico Interstate Streams Commission

Buck Wells,

Just to fill you in on our acequia situation. As of yet, we have not received word from the Corp. We gave them 2 weeks to respond in a written commitment for our project. If we don't hear from them by Monday, we will turn in the direction of the NRCS. This includes replacing the gauge.

The drought continues. We want to put you on notice that we will be putting our 1598 Priority call for deliverance of water, if it comes to that situation.

Respectfully

Acequia de Chamita Commissioners

Wanda Ortiz
Richard M. Delaney

A -ABC



B-ABC

STATE OF NEW MEXICO
OFFICE OF THE STATE ENGINEER
SANTA FE

THOMAS C. TURNEY
State Engineer

June 19, 2002

BATAAN MEMORIAL BUILDING, ROOM 101
POST OFFICE BOX 25102
SANTA FE, NEW MEXICO 87504-5102
(505) 827-6175
FAX: (505) 827-6188

Dear Acequia Commissioner;

As you may already know, Governor Gary Johnson declared a Drought Emergency on 26 April 2002 (see attached press release). Because of this serious condition, many farmers may find it hard to maintain water supplies to fully meet their needs this summer.

This is particularly true of farmers irrigating with surface water. The Office of the State Engineer has received new data on projected river flows that causes me significant concern for the upcoming summer. As an example, flows at San Marcial on the Rio Grande are projected to be 2% of average, flows into Eagle Nest Reservoir at 9%, flows of the Pecos River into Santa Rosa at 28%, flows of the Mimbres at 9%, flows of the Animas at Durango at 36%, and flows into Ramah Lake are projected to be 7% of average.

We urge you to carefully assess your current water supplies and expected water demands. We also strongly encourage you to take appropriate actions to stop unnecessary water use and ensure that your acequia and the Rio Chama Acequia Association can supply the water needed for essential purposes during the coming summer months.

Drought is a serious issue. Precipitation projections for July and August do not look promising. I know some cities in New Mexico have already enacted local ordinances to restrict water use and initiated other water conservation actions. Please carefully consider if your water management practices are adequate to ensure that your supply will meet your demand. You may have to take additional actions.

The 2002 surface water supply forecasts are predicting a very poor surface runoff year. This morning the gauged flow at La Puente was under 3.0 cfs. While the RCAA still has stored water in Abiquiu Reservoir, conservation measures should be adopted to reduce the likelihood of a priority call in the 2002 irrigation season.

P2

B-ABC

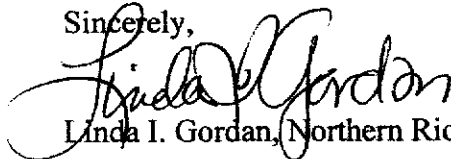
Letter to Rio Chama Acequia Association
June 19, 2002
Page 2

The Office of the State Engineer would like to avoid a priority call on the lower stretch of the Rio Chama if possible. One conservation idea that should be implemented by the RCAA to reduce the likelihood of a priority call would be placing your member ditches on a watering schedule. A watering schedule for the Rio Chama Acequia Association for the 2002 irrigation season would have the following benefits:

- 1) Concrete attempt to conserve water
- 2) RCAA would limit depletions to the San Juan Chama Project Water and reduce the use of their stored water in Abiquiu Reservoir
- 3) RCAA would manage their watering schedule in a manner acceptable to the Office of the State Engineer

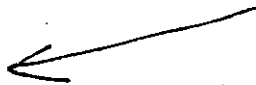
I appreciate your cooperation in addressing this difficult challenge. The Office of the State Engineer is available to assist you in this matter and can provide you with information on the conservation measures other farmers and ditch organizations have implemented.

Sincerely,



Linda I. Gordan, Northern Rio Grande Basin Supervisor

cc: Ed Newville, Legal Services Division
Paul Saavedra, Chief, Water Rights Division
Buck Wells, Rio Chama Watermaster



P1

Acequia de Chamita

Established 1598

First Acequia in the USA

C-ABC

PO Box 930
San Juan Pueblo,
New Mexico 87566

Office of the State Engineer
Northern Rio Grande Basin
Linda I. Gordan

Dear Linda,

Thank you for your letter on conservation.

Acequia de Chamita has always been an advocate of wise water use, in or out of drought. We don't believe any water is wasted on our Acequia. It irrigates land to produce crops and pasture for our livestock, it spreads over 750 acres, it evaporates to form clouds to rain somewhere else, it recharges the aquifer.

Our tail water or excess water flows back into the Chama River through the drainage ditches. All excess water flows back into the Rio Grande above the Rio Chama intersection. Also it provides water for the Bosque, for all of God's little creatures who live in it, (since there are 1000's more beside the silvery minnow), and also a green Bosque to prevent a complete destruction by fire.

Drought is by the will of God, it is His earth and only He can make it rain or not rain, that is why it is serious. There is nothing wrong with God, the problem is got to be here at home.

We also hope we will not have to make our 1598 Priority call on our water, but we have already served our notice that if water becomes scarce, we will make that call.

Since May 1, 2002 to the present 6/27/02, Judge Parker and the rest of that bunch have been trying to empty Abiquia Dam for the silvery minnow. And they will succeed if we don't get rain. The Chama River has been running 1800 cfs, which we protested, because the erosion and the damage to our properties is considerable. The only one who has come to look at it is Veronica Rodriguez from Senator Domenici's office.

Since the rains last Friday, 100% of the ditch has run back into the river. We hope we are getting credit for all of the water that is running back into the river.

One more point. San Juan Pueblo would like to see all of the Chama River in the Acequia de Chamita.

P2

Respectfully

C-ABC

Acequia de Chamita Commissioners

Richard M. Delgado
Raul Ortiz
Eloy Yarrida